

Title	Appellate and Trial Court Facilities Governance Rules (amend rule 6.150 and add rules 6.15, 6.58, and 6.180 to 6.183)
Summary	The proposed rule amendments would divide responsibility and establish a system for governance and operation of appellate and trial court facilities under recently adopted legislation.
Source	Administrative Office of the Courts
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Discussion	<p>The Trial Court Facilities Act of 2002 and the related laws involving appellate court facilities (Stats. 2002, ch. 1082 (Sen. Bill No. 1732 (Escutia)) place new responsibilities on the Judicial Council, the Administrative Office of the Courts, and the courts concerning court facilities. The proposed rules implementing this statute establish a division of responsibility and a system to provide for decision-making, operation, capital improvement, and construction of appellate and trial court facilities.</p> <p>The proposed system would establish two interim bodies that, together with the Judicial Council, the courts, and the Administrative Office of the Courts, would participate in the overall governance and operation of court facilities:</p> <ul style="list-style-type: none"> • An Interim Court Facilities Panel which would be a temporary internal Judicial Council Committee that reviews facilities related issues before they are considered by the council; and • A Court Facilities Transitional Task Force that would provide advice and recommendations to the AOC on facilities related issues including acquisition, construction, design, maintenance and operation. <p>The rule provides that the two interim bodies and the AOC would recommend to the council a long-term process for court facilities governance to take effect July 1, 2007. The two interim bodies are abolished as of June 30, 2007 which is the date when the transfer of responsibility for trial court facilities from the counties to the state is to be completed under the Trial Court Facilities Act.</p> <p>The proposed rules establish authority and responsibility for court</p>

facilities.

Judicial Council

The Judicial Council, either directly or through the Interim Court Facilities Panel, would have responsibility and authority for the following matters:

- General governance oversight;
- Determination of an appropriate long-term process for court facilities governance;
- Adoption of policies, procedures, and guidelines concerning court facilities;
- Proposal of budgets for court facilities operation, maintenance, and capital outlay;
- Modifications to the facilities master plans and establishment of the statewide Five-Year Capital Infrastructure Plan;
- Site selection for new court facilities;
- Approval of preliminary plans, including cost estimates and schedules, for any new court facility;
- Approval of requests for augmentation of the budget for any major capital outlay court construction project that exceeds 20% of the contract amount; and
- Determination of the following issues concerning transfer of responsibility for trial court facilities from the county to the state:
 - Rejection of transfer of responsibility;
 - Disposal of a surplus court facility; and
 - Appeal of a county facilities payment amount.

Appellate and Trial Courts

The Appellate and Trial Courts would have responsibility and

authority for the following matters:

- Consultation with the AOC concerning annual operations and maintenance needs, annual priorities, and fiscal planning for court facilities;
- Operation and maintenance of court facilities as delegated by the AOC (with reporting to the AOC);
- (Trial courts only) Participation, as appropriate, in negotiations for transfer of responsibility from county to the state;
- Consultation with the AOC concerning the court's annual capital needs; and
- Working with the AOC, through advisory group of judicial officers, other court personnel, and other members of the community on issues involving the construction or renovation of a court facility beginning with the selection of an architect through occupancy of the facility.

Court Facilities Transitional Task Force

The Court Facilities Transitional Task Force would consult with the AOC and provide advice on the following matters:

- Acquisition, construction, and design of court facilities;
- Maintenance and operation of court facilities;
- Transfer of authority for trial court facilities from the counties to the state;
- Recommended policies and procedures involving court facilities; and
- Determination of an appropriate long-term process for court facilities governance.

Administrative Office of the Courts

The Administrative Office of the Courts would have responsibility and authority for the following matters:

- Recommendation of policies, procedures and guidelines on

court facilities to the council;

- Supporting the day-to-day operation of the court system and services of the court as required by the operation and maintenance of court facilities;
- Preparation and submission of budget allocation proposals to the council for court facility operation and maintenance;
- Consultation with affected courts concerning annual operations and maintenance needs, development of priorities, and fiscal planning for the court's facilities;
- Delegation, when appropriate, of responsibility concerning ongoing operation and management of existing court facilities to that court;
- Seeking review and recommendations from the Court Facilities Transitional Task Force as feasible;
- Performing the following matters involving transfer of responsibility for trial court facilities from the county to the state:
 - Keeping courts informed and involved in negotiations for transfer;
 - Approving agreements transferring responsibility;
 - Administering shared-use facilities;
 - Auditing the collection of fees involving facilities; and
 - Approving county facilities payment amounts.
- Oversight of the acquisition, construction, and design of court facilities consistent with the facilities policies and procedures and the Rules of Court;
- Preparation and submission of separate annual capital outlay proposals for the appellate and trial courts to the Judicial Council; and
- Consultation with affected courts concerning annual capital

needs.

Attachments